

HOWARD J. BASHMAN
ATTORNEY AT LAW

So ordered.

S/ ERK

*CSDT
1/17/17*

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January 25, 2017

FILED

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IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JAN 30 2017 ★

BROOKLYN OFFICE

VIA FEDERAL EXPRESS

Ms. PaulaMarie Susi, Courtroom Deputy
for the Honorable Edward R. Korman
Senior U.S. District Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Rudell L. Clark Mullings*, No. 16-1694 (2d Cir.),
on appeal from No. 1:15-cr-00538-ERK-1 (E.D.N.Y.)

Dear Ms. Susi:

On December 5, 2016, the U.S. Court of Appeals for the Second Circuit issued the enclosed order recognizing me as appellate counsel for defendant-appellant Rudell L. Clark Mullings in the Second Circuit appeal referenced above from the judgment of sentence that Judge Korman imposed in the U.S. District Court for the Eastern District of New York on May 13, 2016, following the oral pronouncement of sentence in the matter in open court on May 4, 2016.

In connection with my client's opening Brief for Appellant — due to be filed in the Second Circuit on or before Friday, February 3, 2017 (see second enclosed order) — I must obtain access to the confidential "Statement of Reasons" portion of the judgment of sentence that was filed under seal in the district court proceedings. I have diligently been pursuing access to that document for quite some time now, regrettably without any success.

My client's defense counsel at the time of sentencing, attorney Damien M. Brown, says that he does not possess the "Statement of Reasons" and thus cannot provide it to me. Assistant U.S. Attorney Hiral D Mehta, who prosecuted this case and continues to represent the federal government on appeal, has checked his records, and he too has informed me that he does not possess the "Statement of Reasons" portion of the judgment of sentence.

At your suggestion, I contacted the Sealing Clerk of the U.S. District Court in Brooklyn, New York, who advised me that it is Judge Korman who must enter an order entitling me to access and possess the "Statement of Reasons" portion of the

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January 25, 2017
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judgment of sentence in connection with my representation of defendant-appellant Mullings in his pending Second Circuit appeal. I am thus writing to you in the hope that you can accomplish that for me as promptly as possible.

Lest there be no misunderstanding, I am admitted to practice in the Second Circuit, but I am not a member of the bar of the U.S. District Court for the Eastern District of New York, and thus I cannot file in your court a formal motion seeking to access the "Statement of Reasons" portion of the judgment of sentence that I need to obtain at this time in order to competently represent my client in his pending Second Circuit appeal.

Because my client's opening brief is due two Fridays from now — on Friday, February 3, 2017 — I respectfully request that you arrange for me to receive access to the "Statement of Reasons" electronically either via email or PACER/CM-ECF or that a paper copy of the "Statement of Reasons" be sent to me by overnight delivery so that I can possess it as soon as possible.

I understand that the "Statement of Reasons" is under seal, and I will be maintaining that document under seal (together with the Presentence Investigation Report and its updates) when I file my client's appellate papers in the Second Circuit.

Thank you for your assistance in providing me with access to the "Statement of Reasons" portion of my client's judgment of sentence at your earliest possible opportunity.

Very truly yours,



Howard J. Bashman

HJB/ns

enclosures

cc w/ enclosures: Assistant U.S. Attorney Hiral D Mehta (via FedEx)

U.S.D.C. E.D.N.Y Sealing Clerk (via FedEx)

Damien M. Brown, Esq. (via FedEx)

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5th day of December, two thousand and sixteen.

United States of America,

ORDER

Appellee,

Docket No. 16-1694

v.

Rudell L. Clark Mullings,

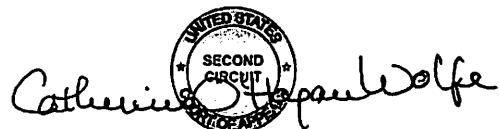
Defendant - Appellant.

Damien M. Brown moves to withdraw as counsel of record for Appellant because Appellant has retained new counsel, Howard J. Bashman, Esq., 2300 Computer Ave, Suite G-22, Willow Grove, PA 19090.

IT IS HEREBY ORDERED that the motion to withdraw as counsel is GRANTED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe



**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of December, two thousand and sixteen.

Before: Ralph K. Winter,
Circuit Judge.

United States of America,

Appellee,
v.

ORDER

Docket No. 16-1694

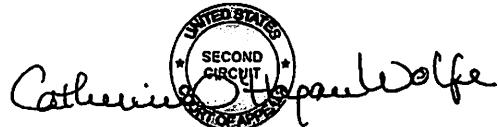
Rudell L. Clark Mullings,
Defendant - Appellant.

New counsel for Appellant moves for a 60-day extension, until February 3, 2017, to file the principal brief and appendix.

IT IS HEREBY ORDERED that the motion is GRANTED; no further extensions.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe